

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR)
SYSTEM PRODUCTS LIABILITY)
LITIGATION)
) MDL Docket No. 2:12-MD-02327
)
)
THIS DOCUMENT RELATES TO THE)
CASES ON THE ATTACHED EXHIBIT 1)
)

QUALIFIED PROTECTIVE ORDER

The individuals listed on attached Exhibit 1 have asserted claims in the above-captioned action. These individuals have retained Nemeroff Law Firm, APC (“Counsel”) to represent them in the above-captioned action. Counsel agrees that they represent the individuals listed on Exhibit 1.

IT IS HEREBY ORDERED AS FOLLOWS:

1. By virtue of their status as appointed representatives of individuals listed on Exhibit 1, Counsel shall, by and through Providio Lien Counsel, LLC (PLC), resolve any potential Part A and/or Part B fee for service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit 1 that are or were Medicare beneficiaries.
2. By virtue of their status as appointed representatives of individuals listed on Exhibit 1, Counsel shall, by and through PLC, identify and resolve any liens asserted by the Medicaid programs of each state and territory and of the District of Columbia (the “Single State Agencies”) and where appropriate, any Other Governmental Healthcare Programs,

including but not limited to: TRICARE, VA Healthcare and Indian Health Services (the “Other Governmental Programs”) and any Private Health Insurance plans related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit 1 that are or were beneficiaries of the Agencies. The entry of this Qualified Protective Order that is compliant with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), Pub.L. 104-191, 42 CFR Section 431 Subpart F, titled “Safeguarding Information on Applicants and Recipients” and other applicable privacy laws, is necessary to permit the Single State Agencies, Other Governmental Programs, and Private health insurance to transmit certain protected health information of the Claimants directly to PLC to assist in the resolution of the respective agency’s or entity’s interests. As such, it is hereby ordered:

- a. This Qualified Protective Order shall apply to all “protected health information” and “individually identifiable health information,” as defined by 45 CFR §160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. §551a, HIPAA, Pub.L 104-191, 42 CFR Section 431 Subpart F, titled “Safeguarding Information on Applicants and Recipients,” and other applicable state law, created, received or collected from Medicaid and/or Other Governmental Program Claimants by Single State Agencies or Other Governmental Programs, or Private Health Insurance including, but not limited to:
 - (a) names and addresses, dates of birth, social security numbers, Medicaid and/or Other Governmental Program identification numbers and other demographic information that identifies, or could be used to identify, Claimants; (b) eligibility and entitlement information of Medicaid and/or Other Governmental Program

Claimants; (c) claims information relating to the past, present, or future healthcare of Medicaid and/or Other Governmental Program and/or Private Health Insurance; and (e) claims information relating to the past, present, or future payment for the provision of healthcare to Medicaid and/or Other Governmental Program-eligible Claimants and/or those covered under Private Health Insurance.

- b. The Single State Agencies and Other Governmental Programs and Private Health Insurance plans may disclose to PLC and PLC is duly authorized to receive claim and other protected health information in accordance with 45 CFR Section 164.506(c)(4)(ii) “Uses and disclosures to carry out treatment, payment or healthcare operations” and any other applicable state law.
- c. To assist in the resolution of any Medicaid and/or Other Governmental Program and/or Private Health Insurance interests, the individual Single State Agencies, Other Governmental Programs and Private health insurance is hereby authorized and directed to transmit information to PLC, including claims information and other protected health information, for those Claimants in the above-captioned matter against whom they have asserted liens or reimbursement claims.
- d. PLC is authorized to provide a list of Claimants listed on Exhibit 1 to the Single State Agencies and any Private Health Insurance plans that have been identified as a potential lien holder of respective Claimants (collectively, “the Lists”).
- e. PLC shall not use or disclose any protected health information or individually identifiable health information subject to this Order for any purpose other than this litigation and the performance of its duties. Similarly, each Single State Agency, Other Government Program and Private Health Insurance plan shall only use the

Lists for the specific purposes identified in this Order and shall only make the Lists available to those within its agency or organization who need access to the Lists for the specific purpose stated in this paragraph. If a Single State Agency or Private Health Insurance plan utilizes outside vendors or companies to perform part or all of its tort recovery practices, those outside vendors or companies shall be expressly bound by all terms and conditions of this Order.

- f. PLC shall maintain any protected health information or individually identifiable health information subject to this Order in a secure and safe area and shall exercise the standard of due and proper care with respect to the storage, custody, use, and/or dissemination of such protected health information required by HIPAA and other applicable privacy laws.
- g. At the conclusion of this litigation, PLC shall certify that the protected health information or individually identifiable health information, including all copies made, has been destroyed.

SIGNED AND ENTERED this _____ day of _____, 2018.

HON. JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT 1

	Last Name	First Name	Birth Year	SSN (Last Four)
1	Alexander	Connie	1971	7883
2	Alexander	Mary	1946	1140
3	Allen	Leah	1953	0796
4	Asher	Janet	1960	4607
5	Bass	Dedra	1973	7551
6	Bryan	Laura	1980	0518
7	Callahan	Gwendline	1939	9595
8	Dake	Diana	1952	3300
9	Davis	Cindy	1955	2147
10	DeSpain	Jeannie	1952	6579
11	DosReis	Helen	1951	7941
12	Eason	Carla	1949	1988
13	Ferguson	Beckie	1944	8142
14	Frame	Cheryl	1955	8308
15	Friedrich	Sheila	1960	1993
16	Giron	Rachael	1963	8739
17	Graham	Suzanne	1953	6164
18	Hadaway	Beverly "Elaine"	1960	5152
19	Hall	Jeanne	1941	0643
20	Harmon	Mona	1956	2614
21	Harrison	Violet	1941	9536
22	Hawkins	Amelia	1946	2762
23	Horner	Susan	1955	6042

24	Hott	Lisa	1967	8963
25	Ingram	Shirley	1958	4401
26	Jackson	Pamala	1956	1304
27	Jurries	Jennifer	1990	7950
28	Justice	Tracey	1964	7328
29	Lawler	Mary	1943	5512
30	Miller	Tina	1973	3672
31	Monson	Terri	1953	9862
32	Morgan	Amy	1973	9483
33	Patterson	Kerri	1971	0843
34	Pesquera	Marcia	1962	0920
35	Sampson	Theresa	1960	9790
36	Saucedo	Ernestine	1969	5057
37	Sizemore	Mary	1964	9385
38	Snow	Sherri	1971	1767
39	Spillman-Orel	Kathleen	1963	6426
40	Stock	Gloria	1949	7143
41	Tillett	Lori	1962	9216
42	Wainwright	Jewell	1947	8939
43	White	Lisa	1962	6389
44	Whitehead	Vicki	1958	5530
45	Wielinga	Shannon	1970	9400
46	Young	Bertha	1947	0003
47	Zamarron	Amalia	1954	3949